

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DAVID MIDDENDORF, et al.,

Defendants.

Case No. 18 Cr. 36 (JPO)

**DAVID BRITT'S NOTICE OF MOTION TO COMPEL RULE 16, *BRADY*, AND OTHER
DISCOVERY**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and declaration of Melinda Haag, the undersigned will move this Court before the Honorable J. Paul Oetken, United States District Judge, in Courtroom 706 of the United States District Court, 40 Foley Square, New York, New York 10007, at such date and time as the Court may direct, for an order:

1. Compelling the Government, pursuant to Fed. R. Crim. P. 16(d)(2)(A) and the Fifth Amendment of the U.S. Constitution, to disclose discoverable information to which Mr. Britt is entitled under Fed. R. Crim. P. 16, *Brady v. Maryland*, and other relevant law;
2. Instructing the Government, pursuant to the above authority, to search the files of the SEC and PCAOB for discoverable information to which Mr. Britt is entitled under Fed. R. Crim. P. 16, *Brady*, and other relevant law;
3. Directing the Government to review impeachment material under *Giglio v. United States* and produce forthwith any information whose effective use at trial would require additional investigation;

4. Requiring the Government to file a bill of particulars pursuant to Fed. R. Crim. P. 7(f); and
5. For other such relief as the Court may deem just and proper, including relief granted on the basis of motions filed by other defendants in this case.

Dated: June 8, 2018
New York, New York

Respectfully submitted,

/s/ Melinda Haag
Melinda Haag (*pro hac vice*)
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